

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF VETERINARY MEDICINE

In the Matter of the License of  
Karen A. Truan, D.V.M.  
License No. 10378

**FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATION**

The above-entitled matter came on for a prehearing conference before Administrative Law Judge Bruce H. Johnson commencing at 1:30 p.m. on Thursday, March 26, 1998, at the at the Office of Administrative Hearings, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota.

Susan E. Damon, Assistant Attorney General, Suite 500, 525 Park Street, St. Paul, Minnesota 55103-2106, appeared on behalf of the Minnesota Board of Veterinary Medicine (hereinafter sometimes the "Board"). Karen A. Truan, D. V. M., (hereinafter the "Respondent") did not appear at the hearing, nor did anyone appear on her behalf. The record closed on March 30, 1998, upon receipt of the Affidavit of Susan E. Damon.

**NOTICE**

This Report is a recommendation, not a final decision. The Board will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact the Minnesota Board of Veterinary Medicine, Suite 540 - 2829 University Avenue, S.E., Minneapolis, Minnesota 55414, to ascertain the procedure for filing exceptions or presenting argument.

**STATEMENT OF THE ISSUE**

The issue in this case is whether or not disciplinary action should be taken against the Respondent in accordance with Minn. Stat. §§ 156.081 and 156.127 (1996).

Based upon the record in this matter, the Administrative Law Judge makes the following:

### **FINDINGS OF FACT**

1. On February 19, 1998, a Notice of and Order for Pre-Hearing Conference and Hearing in this matter was mailed to the Respondent, via the U. S. Mail, at her last known addresses, as follows: 18514 Lenore, Detroit, Michigan 48219.

3. The Notice of and Order for Pre-Hearing Conference and Hearing that was mailed to the Respondent contained the following statement:

The purpose of the prehearing conference is to simplify and narrow the issues for potential hearing and to explore the possibility of resolving the issues without the necessity of a hearing. **If Licensee fails to appear without the prior consent of the Administrative Law Judge at the prehearing conference in this matter, Licensee shall be deemed in default and the allegations or issues set forth herein may be taken as true or deemed proved without further evidence, and the Board may revoke, suspend and/or take other action against Licensee's license to practice veterinary medicine in the State of Minnesota, which may include imposition of any administrative penalty not exceeding \$5,000 for each separate violation of law.**

4. The Respondent has never filed a Notice of Appearance herein. She did not appear at the March 26, 1998, Prehearing Conference; nor did she make a prehearing request for a continuance or excused absence.

5. On February 25, 1998, the Board's Complaint Review Committee served upon the Respondent a Request for Admissions by mailing the same to the Respondent, by both first-class and certified U. S. Mail, at her last known addresses, as follows: 18514 Lenore, Detroit, Michigan 48219. (Affidavit of Susan E. Damon)

6. To date, the Respondent has not contacted the Board or its counsel regarding this matter, and none of the documents served upon the Respondent have been returned to the Board as undeliverable. (Affidavit of Susan E. Damon)

7. The Board, through its counsel, has made diligent efforts to discover the Respondent's whereabouts, but those efforts have been unsuccessful. (Affidavit of Susan E. Damon)

8. Pursuant to Minn. R. pt 1400.6000 (1997), the allegations and issues set out in the Notice of and Order for Pre-Hearing Conference and Hearing, are deemed proved and taken as true without further evidence.

5. The allegations set forth in the Notice of and Order for Pre-Hearing Conference and Hearing, having been deemed proved and taken as true, are hereby incorporated into these Findings by reference.

6. Any Finding of Fact more properly termed a Conclusion is hereby adopted as such.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS**

1. The Minnesota Board of Veterinary Medicine and the Administrative Law Judge have subject matter jurisdiction herein pursuant to Minn. Stat. §§ 156.081, 156.127, and 14.50 (1996).

2. The Respondent was given timely and proper notice of the prehearing conference in this matter.

3. The Minnesota Board of Veterinary Medicine has complied with all relevant substantive and procedural requirements of statute and rule.

4. Under Minn. Rule 1400.6000 (1995), the Respondent is in default as a result of her failure to appear at the scheduled pre-hearing conference.

5. Under Minn. Rule 1400.6000 (1995), when a party defaults, the allegations and the issues set out in the Notice of and Order for Pre-Hearing Conference and Hearing may be taken as true and deemed proved. The Administrative Law Judge therefore takes those allegations and issues as true and deemed proved.

6. Based upon the facts set out in the Notice of and Order for Pre-Hearing Conference and Hearing, which the Administrative Law Judge has taken as true, the Respondent has violated Minn. Stat. §§ 156.081 and 156.127 (1996) and may be subject to disciplinary action by the Minnesota Board of Veterinary Medicine.

7. An order by the Board prescribing disciplinary action against the Respondent is in the public interest.

8. Any Conclusion more properly termed a Finding of Fact is hereby adopted as such.

Based upon the foregoing Conclusions, the Administrative Law Judge make the following:

**RECOMMENDATION**

IT IS HEREBY RECOMMENDED: that disciplinary action be taken against Respondent by the Minnesota Board of Veterinary Medicine.

Dated this 2nd day of April 1998.

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BRUCE H. JOHNSON  
Administrative Law Judge

### **NOTICE**

Pursuant to Minn. Stat. § 14.62, subd. 1, the Board of Veterinary Medicine is required to serve its final decision upon each party and the Administrative Law Judge by first-class mail.